

ITEM NO.18

COURT NO.7

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 24239/2019

(Arising out of impugned final judgment and order dated 06-12-2018 in ARBP No. 412/2018 passed by the High Court Of Delhi At New Delhi)

SANT LAL AGGARWAL

Petitioner(s)

VERSUS

SATISH KUMAR PAWA

Respondent(s)

Date : 12-10-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Soumyajit Pani, Adv.  
Mr. Inayat Ahmed, Adv.  
Mr. Aishwary Bajpai, Adv.  
Mr. Vinodh Kanna B., AOR

For Respondent(s) Mr. Atul Jain, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

UPON hearing the counsel the Court made the following  
O R D E R

1. We have heard the learned counsel for the respective parties and having gone through the interim order passed by the High Court, allowing the application under Section 11(6) of the Arbitration Act, 1996 and appointing the learned Arbitrator with respect to the dispute(s) of the partnership firm, we see no reason to interfere with the same.

2. The submissions on behalf of the petitioner that, as there were some criminal complaint(s)/ civil suit(s) filed against the

partnership firm, in which some allegations of fraud were made against the partnership firm and therefore, the matter may not be referred to the learned Arbitrator is concerned, the same has no substance.

3. The aforesaid submission has been dealt with in detail by the High Court. It is required to be noted that the dispute is for accounts on dissolution of the partnership firm and therefore, the pendency of the criminal complaint(s)/ civil suit(s) , if any filed by the third party(s), may not have any effect on the proceedings before the Arbitrator with respect to the accounts on dissolution of the partnership firm.

4. Therefore, no interference of this Court is called for.

5. However, it is observed that prior to the interim order passed by this Court, the learned Arbitrator has proceeded further with the arbitration proceedings *ex-parte*, and if any order(s) is/are passed, it will be open to the petitioner to make a request before the learned Arbitrator to reopen the matter, which may be considered by the learned Arbitrator in accordance with law and on its own merits.

6. With these observations, the SLP stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(NISHA TRIPATHI)  
ASSISTANT REGISTRAR